

ENTERED

August 18, 2022

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RICHARD ORIN BERGAN, §
§
Plaintiff, §
§
VS. § CIVIL ACTION NO. H-22-254
§
UNITED STATES POSTAL SERVICE, §
§
Defendant. §

ORDER

Richard Bergan sued the United States Postal Service for wrongful termination. His complaint alleges that “[t]his action is brought under the Fair Labor Standard Act for forcing an employee to work without proper compensation.” (Docket Entry No. 1). The complaint does not contain any other allegations. The United States Postal Service filed a motion to dismiss. (Docket Entry No. 9). Counsel for the United States contacted Bergan and urged him to file an amended complaint. Bergan did not respond to the motion or file an amended complaint.

A complaint must contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). The complaint must “give the defendant fair notice of what the claim is and the grounds upon which it rests.” *Dura Pharm., Inc. v. Broudo*, 544 U.S. 336, 346 (2005) (quotation and citation marks omitted). Bergan has not provided any allegations showing that he is entitled to relief. The court grants the motion to dismiss, without prejudice and with leave to amend by September 16, 2022.

Bergan must file an amended complaint by September 16, 2022, or this case will be dismissed with prejudice for failure to prosecute or to state a claim. **The initial conference set for September 9, 2022 is cancelled and is reset to October 7, 2022, at 10:10 a.m., by zoom.** A zoom link will be separately sent.

SIGNED on August 18, 2022, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge